CITY POLICY PURPOSE
A workplace where employees maintain clear boundaries between family, personal, and work relationships leads to an environment that:

- Is fair, equitable, and safe;
- Promotes high employee morale; and
- Ensures trust in the City’s merit-based employment system.
- Civil Service Commission adopted the policy February 6, 2017
- Enforcement begins July 1, 2017
POLICY REVIEW
Employees may not make, participate in making, or influence any employment decision involving a related person.
Employment Decision

Related Person

Direct Supervision

Indirect Supervision
Definitions

Employment Decision Examples

- Hiring, promoting, transferring, or re-assignment
- Interview panel
- Performance appraisals
- Approving leave
- Approving overtime or any other compensated time
- Civil service exam
- Assigning work
- Administrative investigation or discipline
- Approving reimbursements
- Permission to attend a work-related event
Definitions

Related Person

Family member

Consensual romantic relationship occurring within the last two years
Definitions

Direct Supervision

One employee is responsible for the work of another employee
Definitions

Indirect Supervision

One employee directing the work of another employee through the organizational structure or chain of command.
Applicability

Employees

City officers

Elected officials

Interns

Volunteers
Reporting & Compliance

Related Person + Employment Decision = Policy Violation

Remember, an employee cannot make an employment decision about a related person

For example: sitting on an interview panel, administering civil service exams, conducting investigations and discipline, approving comp time or overtime, approving leave, etc.

Related Person + Supervision = Reporting Requirement

Reporting is required when supervision is involved so conflicts related to making employment decisions can be removed

For example: Assigning work, hiring, promoting, transferring, conducting performance appraisals, approving leave, approving comp time and overtime, granting permission to attend conferences, etc.
Confidentiality

Reporting is a confidential process

HR reps will not tell anyone who does not need to know
Who reports?
Both related persons

When to report?
Promptly

Report to whom?
Departmental Personnel Officer or HR Manager

What will HR do?
Remove conflict
How will HR remove the conflict?

HR will work with operational and executive teams to move one of the related persons.

Ways to remove the conflict could include:

- Give both related persons the opportunity to be voluntarily reassigned.
- Reassign the supervisor to a different role.
- Reassign the employee to a different supervisor.
- Transfer one of the related persons to a different position in same classification.
Indirect Supervision

Who reports? Both related persons

When to report? Promptly

Report to whom? Departmental Personnel Officer or HR Manager

What will HR do?
- Assess implications of relationship with operations
  a) Remove conflict
  OR
  b) Formulate management plan to address employment decisions
Management plans must address:

- Supervision
- Reporting relationship
- Evaluation

Ensure supervisor does not participate in employment decisions
Management Plan

City and County of San Francisco
Department of Human Resources

Family and Romantic Relationships at Work Policy - Management Plan

On February 8, 2017, the Civil Service Commission adopted a Policy on Family and Romantic Relationships at Work (policy). The policy provides employees with direct supervisory responsibilities over related persons as defined in the policy. The policy also specifies that it is best practice that employees do not indirectly supervise related persons, but provides exceptions on a case-by-case basis. If a department cannot remove a conflict for operational reasons in an indirect supervision situation, the department shall formulate a management plan to address the indirect supervision relationship while minimizing impact on the employees involved.

The [last name] department has learned that [related subordinate] and [related supervisor] are related persons as defined in the policy.

Related supervisor indirectly supervises related subordinate. Related supervisor does not currently supervise related subordinate, but the department intends to make a transfer change that would result in related supervisor assuming an indirect supervisory role regarding related subordinate.

The department’s human resources division has evaluated the nature of the relationship between related supervisor and related subordinate and has determined that it can continue to work within the policy. For operational reasons, however, the department has determined that it cannot remove the conflict.

Section V.2 of the policy requires the department to prepare a management plan in such a situation. The plan allows the relationship to continue if the positions of related supervisor and related subordinate do not involve any supervision other than related supervisor, as defined below, so that related supervisor does not make decisions, or influence any employment decisions regarding related subordinate.

I. EMPLOYEE INFORMATION

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<thead>
<tr>
<th>Related Subordinate</th>
<th>Job Title:</th>
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<tr>
<td>Name:</td>
<td>Title:</td>
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<td>DSW number:</td>
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<td>Classification number:</td>
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<td>Department:</td>
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<th>Related Supervisor</th>
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II. RELATIONSHIP ASSESSMENT

The nature of the reporting relationship between related subordinate and related supervisor, and identify those in the chain of command between them.

If it is not operationally feasible to remove the reporting relationship between related subordinate and related supervisor:

III. EFFECT RESOLUTION PLAN

Employment decisions related supervisor currently makes, participates in making, or might influence regarding subordinate:

1. Assigning work
2. Providing feedback and performance ratings
3. Conducting or contributing to a performance appraisal
4. Delegating administrative investigation or discipline
5. Promoting, transferring, or reassigning
6. Assigning overtime or other compensated time
7. Approving vacation, sick, or other leave time
8. Reviewing or denying permission to attend a conference or other work-related event
9. Reviewing reimbursement for work-related expenses

(If any other procedures are followed, describe below.)

The employee who will make, participate in making, or otherwise influence the above-selected employment decisions regarding related subordinate in place of related supervisor, if multiple employees are assigned to make the plan must identify each of them.

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IV. OTHER TERMS OF THE MANAGEMENT PLAN

The management plan does not create a right by either related person to a particular assignment or reporting structure that is changed or revoked by the department without notice.

The management plan is a violation of the policy if:

A. Agreement and Approval

The agreement and approval of the management plan, understand its terms, and agree to comply with it.

Subordinate: [Signature] [Date]

Supervisor: [Signature] [Date]

V. Employee Making/Participating in Making Employment Decisions for Related Subordinate Instead of Related Supervisor

I have received the management plan, understand its terms, and agree to comply with it.

[Signature] [Date]
• Use forms that require panelists or subject matter experts to disclose related persons and maintain confidentiality
SCENARIOS
1. Read scenario
2. Discuss policy implications
3. Decide HR rep’s course of action
John and Sally are both custodial supervisors at SFMTA, and are married. John works the day shift, and Sally works the swing shift. They each supervise a group of five custodians, and both report directly to Maria, Manager of Custodial Services. Maria approves all time off and overtime requests for custodians, and custodial supervisors (including John and Sally).
Scenario 1: John & Sally

- Is John and Sally’s relationship covered by the policy?
- If so, should SFMTA take steps to manage this relationship?
- If so, what steps?
There is no supervisory relationship between John and Sally

- Not covered by policy
- No action needed
John and Sally divorce. Six months following their divorce Maria goes on leave for one year and appoints Sally Acting Manager of Custodial Services in her absence.
Is the relationship covered by the policy?
If so, should SFMTA take steps to manage this relationship?
What are those steps?

Scenario 2: John & Sally

Discuss
Scenario 2: John & Sally

- John and Sally divorced within 2 years
- Direct supervision violates the policy
- Action needed:
  - John and Sally must report relationship to HR manager
  - HR manager works with operations to remove conflict
Victoria and Jenny are best friends. They have known each other since college and now they are coworkers at the Department of Public Health. Victoria was recently promoted and now directly supervises Jenny.
Scenario 3: Vicki & Jenny

- Is the relationship covered by the policy?
- If so, should DPH take steps to manage relationship?
- What are those steps?

Discuss
Direct or indirect supervision of a friend does not violate the policy.

Favoritism is still not allowed and Victoria should be careful to avoid the perception or existence of favoritism towards Jenny.

**Remember:** Supervisors and managers should avoid any appearance of favoritism in the workplace.
Louis is a division director at HSA and has been asked to sit on a hiring panel for a new eligibility worker. Louis finds out that his cousin, Rita, is a candidate.
Scenario 4: Louis & Rita

- Is the relationship covered by the policy?
- If so, what steps should Louis take to prevent a violation?

Discuss
Scenario 4: Louis & Rita

- First cousins are covered by policy
- Louis should recuse himself from panel
- Note: Policy says first cousins, but employees should use good judgment. If employees have close relationships with second or third cousin they may be interviewing, best practice is to not be involved
- Remember: Supervisors and managers should always avoid even the appearance of nepotism or favoritism
Gina is an exam analyst at the PUC, writing a PBT exam for a position in the department. Gina knows her wife, Carol, is planning to apply to take the exam.
Scenario 5: Gina and Carol

- Is the relationship covered by the policy?
- If so, what steps should Gina take to prevent a violation?
Scenario 5: Gina and Carol

- It is covered by the policy
- Gina should notify her supervisor that her wife is planning to take the exam
- Exam should be assigned to someone else
Chief Stephens is Deputy Chief of Operations at the SF Fire Department, and one of two Deputy Chiefs (the other is Deputy Chief of Administration). In his role as Deputy Chief of Operations, Chief Stephens oversees five Divisions:

1. Fire Prevention and Investigation
2. Special Operations
3. Emergency Medical Service
4. Emergency Communication
5. Airport Division

In total, Deputy Chief Stephens directly or indirectly supervises over 1,000 SF Fire Department members.
Deputy Chief Stephens’ niece, Anna applies for a job opening for a HIPAA Compliance Officer with SFFD. The HIPAA Compliance Officer reports directly to the Deputy Chief of Administration.
If Anna is selected for the HIPAA Compliance Officer, is the relationship covered by the policy?
If so, should SFFD take steps to manage relationship?
What are those steps?

Discuss
Scenario 6: Chief Stephens & Anna

- HIPPA Compliance Officer Reports to the Deputy Chief of Administration, not the Deputy Chief of Operations
- No supervision, no policy violation
- No action needed
Anna applies for the Assistant Deputy Chief of Emergency Medical Services with SFFD

**Remember:** In his role as Deputy Chief of Operations, Chief Stephens oversees five divisions:

1. Fire Prevention and Investigation
2. Special Operations
3. Emergency Medical Services
4. Emergency Communication
5. Airport Division
Scenario 7: Chief Stephens & Anna

- Should Anna be hired for this position?
- If Anna is hired, is the relationship covered by the policy?
- If so, what steps should SFFD take to manage relationship?

Discuss
Scenario 7: Chief Stephens & Anna

- Best practice = no indirect supervision of related persons
- If Anna is the best candidate for the job and is hired, HR representative must create a management plan to ensure Deputy Chief Stephens does not make or influence any employment decisions about Anna.
A rumor has been circulating in your department that Daisy, an intern, has been dating Chris, a manager. On two different occasions you’ve taken in complaints regarding the two. One employee has complained of favoritism and another employee has complained about observing Chris and Daisy behind closed doors
Scenario 8: Chris & Daisy

- How should the HR manager handle the situation?

Discuss
HR manager should talk to Chris to find out what’s going on

Inform Chris of the policy and his and Daisy’s obligation to report

Discuss the implications and remind Chris of his obligations as a manager

Document the conversation
Miles and Lucy have been dating for about three months. Lucy is Miles’s indirect supervisor. Miles reports their relationship to their HR representative, Angelica. But when Angelica asks Lucy about the relationship, she denies it exists and tells Angelica she’s married (not to Miles).
What should Angelica do?
Scenario 9: Miles and Lucy

- Angelica should talk to Lucy and:
  - Remind her of policy and obligation to report
  - Assure her reporting is a confidential process

- If Lucy sticks to her guns Angelica should conduct an investigation

- If she determines Lucy and Miles are in a relationship, she should:
  - Assess workplace implications of the relationship to determine:
    - If she can remove supervision, or
    - Put a management plan in place to address all employment decisions
  - Determine if discipline should be imposed on Lucy
If a related person refuses to report a relationship or does not cooperate with an investigation, he or she may be subject to discipline.
Katie and Mark are domestic partners and they both work at the Controller’s Office. Normally, they work in completely separate units, but Mark has been assigned as the lead of a project Katie is working on. As a result, for the next few months, Mark will be directing Katie’s work on this project.
Scenario 10: Katie & Mark

- Is the relationship covered by the policy?
- If so, should CON take steps to manage relationship?
- What are those steps?
Scenario 10: Katie & Mark

- The relationship is covered by the policy because assigning work is an employment decision.
- Katie cannot be supervised by Mark so decisions must be made about how to remove the conflict.

Decide
Liz and Frank are colleagues at DBI who have become close friends over the years. Frank confides to Liz that he started dating Jamal, the manager in his unit. Jamal is Frank’s indirect supervisor, which means they are required to report their relationship to the HR representative. Liz is concerned that Jamal will favor Frank in an upcoming promotional opportunity, so she tells her HR representative, Kevin, about the relationship. When Kevin asks Frank and Jamal about the relationship, they both deny it.
Scenario 11: Frank & Jamal

- What should Kevin do?
Scenario 11: Frank & Jamal

- Kevin should discuss the policy with Frank and Jamal
- Give them a copy of the policy and have them sign a form/document certifying they’ve read and understand it
- Kevin should document all information/discussions he’s had about this matter, including those with Liz
Sandy and Rick are married and both work at the Library. Even though there is currently no supervision, both Sandy and Rick have reported their relationship to the HR rep and it has been documented. Now Sandy applies for an open position that supervises Rick.
Scenario 12: Sandy & Rick

- Could the department decide not to hire Sandy because the open position supervises Rick?
Scenario 12: Sandy & Rick

- Yes, this is a legitimate, non-discriminatory reason for not selecting Sandy because:
  - Supervising Rick would violate the policy and
  - Create potential legal exposure for the City

- Be very clear Sandy was not selected because of the policy, which aims to prevent nepotism & favoritism
Scenario 12: Sandy & Rick

Dos:
- Be sure the policy is applied consistently
- Be sure no discrimination is involved

Don’t:
- Use the policy as guise to cover up a different reason for not hiring Sandy
Scenario 12: Sandy & Rick

- **Do respond this way:**
  - We could not consider you because if appointed you would directly supervise your husband. Direct supervision of one’s spouse violates the City’s personal relationships policy, which aims to prevent nepotism and favoritism at work.

- **Don’t respond this way:**
  - We couldn’t consider you because you’re married.
  - If you and Rick weren’t married we’d interview you.
  - Too bad you’re married to Rick—if not, I’d hire you.
  - Maybe you should divorce Rick so I can hire you.